

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

RALPH M. DIAZ, et al.,

Defendants.

No. 2:20-cv-00843-TLN-CKD

**ORDER**

Plaintiff, a California prisoner proceeding pro se, has filed a motion asking that the court reconsider its July 22, 2020 order dismissing this case. (ECF No. 12.) A district court may reconsider a ruling under either Federal Rule of Civil Procedure 59(e) or 60(b). *See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993).

“Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *Id.* at 1263.

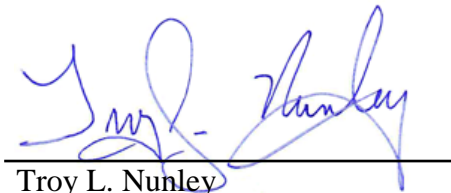
On May 5, 2020, the magistrate judge assigned to this case dismissed Plaintiff’s complaint with leave to amend. (ECF No. 5.) Thereafter, Plaintiff failed to file an amended complaint and the magistrate judge issued findings and recommendations, recommending that the action be dismissed without prejudice. (ECF No. 8.) The Court adopted the findings and recommendations on July 22, 2020, and the action was dismissed without prejudice. (ECF No. 10.)

1 This action was dismissed because Plaintiff failed to file an amended complaint. Nothing  
2 before the Court suggests dismissal was the result of clear error or was manifestly unjust. There  
3 has been no change in the law and — despite Plaintiff's claim of new evidence — Plaintiff fails  
4 to point to any evidence suggesting dismissal was not warranted.

5 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for reconsideration (ECF  
6 No. 12) is DENIED.

7 IT IS SO ORDERED.

8 DATED: August 30, 2020

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11 Troy L. Nunley  
12 United States District Judge  
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